Supreme Court, U.S.
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No. 86 - 181

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

PATRICIA A. DIXON,

Petitioner,

vs.

WESTINGHOUSE ELECTRIC CORPORATION,

Respondent.

PETITIONER'S SUPPLEMENTAL AUTHORITY
SUPPLEMENTING THE
PETITION FOR CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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SUPPLEMENTAL AUTHORITY

The schism of authority was widened on October 15, 1986, when the Tenth Circuit Court of Appeals decided Equal Employment Opportunity Commission vs. Commercial Office Procedures, 803 F.2d 581

(1986), Cert. granted June 15, 1987, ___ U.S. ____ 55 U.S.L.W. 3831. The Circuit Court clearly held that the charge, filed with the E.E.O.C. within 289 days after her discharge, which was transmitted to the Colorado Civil Rights Division, was entitled to the three hundred day filing period.

> We have interpreted the Supreme Court decision in Love v. Pullman, 404 U.S. 522, 92 S.Ct. 616, 30 L.Ed.2d 679 (1972), to mean that when a complainant files a charge with EEOC, the deferral of that charge by the EEOC is an intial filing in the state agency sufficient to invoke the 300-day time limitation. Smith v. Oral Roberts Evangelistic Assn., Inc., 731 F.2d 684 (10th Cir.1984). But see Dixon v. Westinghouse Electric Corp., 787 F.2d 943 (4th Cir.1986). As the Supreme Court said in Love: "Nothing in the Act [Title VII of the Civil Rights Act of 1964] suggests that the state proceedings may not be initiated by the EEOC acting on behalf of the complainant rather than by the complainant himself...." 404 U.S. at 525, 92 S.Ct. at 618 (footnote omit-

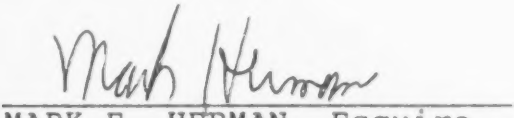
ted). In this case the EEOC initiated the charge with the CCRD on behalf of Leerssen in the charge transmittal form that the EEOC sent to the state agency on March 30, 1984--the 292nd day.[3] Accordingly, Leerssen's charge was "initially instituted" with the CCRD pursuant to the requirements of § 706(e) and the 300-day limitation applies.

Supra., 803 F.2d at 586.

CONCLUSION

This Honorable Court must step in to assure uniform treatment of the claimant's rights.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 day of August, 1987, three copies of the above Supplemental Authority Supporting the Petition for Certiorari to the United States Court of Appeals for the Fourth Circuit were mailed first class, postage prepaid, to Leonard E. Cohen, Esquire, FRANK BERNSTEIN, CONAWAY & GOLDMAN, 300 East Lombard Street, Baltimore, Maryland 21202, attorney for Respondent; and three copies were mailed first class, postage prepaid to Johnny J. Butler, General Counsel (Acting), EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 2401 East Street, N.W., Room 224, Washington, D.C. 20507.

Mark Herman

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